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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------|------------------|
| 10/086,733   | 03/04/2002  | Benjamin G. Cruz     | CRUZ-0001                | 2199             |
| 21261  | 7590        | 04/20/2007           | EXAMINER                 |                  |
| ROBERT PLATT BELL<br>REGISTERED PATENT ATTORNEY<br>P.O. BOX 13165<br>JEKYLL ISLAND, GA 31527 |             |                      | MEINECKE DIAZ, SUSANNA M |                  |
|  |             |                      | ART UNIT                 | PAPER NUMBER     |
|  |             |                      | 3694                     |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             | MAIL DATE            | DELIVERY MODE            |                  |
| 30 DAYS  |             | 04/20/2007           | PAPER                    |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

|                 |                   |  |
|-----------------|-------------------|--|
| Application No. | Applicant(s)      |  |
| 10/086,733      | CRUZ, BENJAMIN G. |  |
| Examiner        | Art Unit          |  |
| Susanna M. Diaz | 3694              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 02 February 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: See Continuation Sheet.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Susanna Diaz (571)272-6733*

Legal Instruments Examiner (LIE), if applicable  
U.S. Patent and Trademark Office

SUSANNA M. DIAZ  
PRIMARY EXAMINER

Telephone No.

Part of Paper No. 20070416

*Au3614*

Continuation of 4(e) Other: The current amendment does not account for some of the wording from the previous version of the claims. More specifically, current claim 16 (line 3) does not account for the recitation of "performance decisions" and "said system" from the previous version of the claim. Also, current claim 28 (last line) does not account for the recitation of "incorporated on" and "electronic, web-based media player" from the previous version of the claim.